

The Honorable Marsha J. Pechman

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

YOLANY PADILLA, IBIS GUZMAN, BLANCA ORANTES, BALTAZAR VASQUEZ,
Plaintiffs-Petitioners,

No. 2:18-cv-928 MJP

V.

U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT (“ICE”); U.S. DEPARTMENT OF HOMELAND SECURITY (“DHS”); U.S. CUSTOMS AND BORDER PROTECTION (“CBP”); U.S. CITIZENSHIP AND IMMIGRATION SERVICES (“USCIS”); EXECUTIVE OFFICE FOR IMMIGRATION REVIEW (“EOIR”); MATTHEW ALBENCE, Acting Director of ICE; KEVIN McALEENAN, Acting Secretary of DHS; MARK MORGAN, Acting Commissioner of CBP; KEN CUCCINELLI, Acting Director of USCIS; MARC J. MOORE, Seattle Field Office Director, ICE, WILLIAM BARR, United States Attorney General; LOWELL CLARK, warden of the Northwest Detention Center in Tacoma, Washington; CHARLES INGRAM, warden of the Federal Detention Center in SeaTac, Washington; DAVID SHINN, warden of the Federal Correctional Institute in Victorville, California; JAMES JANECKA, warden of the Adelanto Detention Facility;

**JOINT STATUS REPORT
AND STIPULATION AND
[PROPOSED] ORDER
EXTENDING DEADLINE
TO RESPOND TO
COURT'S 7/29/22 ORDER**

NOTE ON MOTION

CALENDAR: AUGUST 19, 2022.

Defendants-Respondents.

The parties hereby respond to this Court's order of July 29, 2022 (ECF no. 183), and advise the following.

On September 11, 2020, this Court stayed this case upon agreement of the parties, because the Government filed a petition for writ of certiorari in the United States Supreme Court. ECF no. 165. On January 11, 2021, the Supreme Court issued an order granting the Government’s petition, vacating the decision of the Court of Appeals, and remanding to the Ninth Circuit “for further consideration in light of *Department of Homeland Security v. Thuraissigiam*, 591 U.S.

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Office of Immigration Litigation, District Court Section
PO Box 868, Ben Franklin Station
Washington, DC 20044
Telephone (202) 616-4458

1 (2020)." *U.S. Immigration and Customs Enforcement v. Padilla*, 141 S. Ct. 1041 (Mem) (2021).

2 On February 12, 2021, the Supreme Court issued its judgment remanding the case to the Ninth
3 Circuit. *See* Ninth Circuit Docket no. 79.

4 On remand, the parties agreed to several periods of abeyance before the Ninth Circuit, to
5 allow incoming Department of Justice and Department of Homeland Security officials to become
6 familiar with this case. On July 7, 2021, the Ninth Circuit referred the case to the Circuit Mediator
7 to explore the potential for settlement. *See* Ninth Circuit Docket no. 86.

9 After settlement talks concluded, the Ninth Circuit received briefing from the parties on
10 the impact of the Supreme Court's decisions in *Biden v. Texas*, 142 S. Ct. 2528 (2022), *Garland*
11 *v. Aleman Gonzalez*, 142 S. Ct. 2057 (2022). On June 30, 2022, the Ninth Circuit entered an order
12 remanding this case to this court with instructions to vacate the preliminary injunction and for
13 further consideration in light of the Supreme Court's decisions in *Biden v. Texas*, *Garland v.*
14 *Aleman Gonzalez*, and *Department of Homeland Security v. Thuraissigiam*, 140 S. Ct. 1959
15 (2020). The mandate issued on July 29, 2022, and on the same date, this court entered an order
16 vacating the preliminary injunction and ordering the parties to meet and confer and file a Joint
17 Status Report setting forth the Parties' respective positions as to what briefing they would like to
18 file to address the authority cited by the Ninth Circuit's Order and the Parties' proposed trial date
19 and case deadlines that the Court should set. ECF no(s). 182-83.

21 The parties have discussed the next steps in this litigation over email and over the phone,
22 and those discussions continue. The parties are hopeful that they will reach agreement on the next
23 steps in this litigation, but need more time to complete those discussions. The parties request that
24 this Court extend the deadline to respond to the Court's July 29, 2022 order (ECF no. 183) for an
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1 additional two weeks (to and including Friday, September 2, 2022) so they can continue their
2 discussions regarding the next steps in this case, a proposed trial date, and case deadlines. The
3 parties suggest that this request satisfies the good cause requirement in Fed. R. Civ. Pro. 6(b), and
4 represent that this request is not for the purpose of undue delay. Accordingly, the parties have
5 attached a proposed order to that effect.

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1 RESPECTFULLY SUBMITTED this 19th day of August, 2022.

2 s/ Matt Adams

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[PROPOSED] ORDER

Based on the foregoing stipulation of the parties, IT IS SO ORDERED. The deadline to file the Joint Status Report setting forth the Parties' respective positions as to what briefing they would like to file to address the authority cited by the Ninth Circuit's June 30, 2022 Order and the Parties' proposed trial date and case deadlines that the Court should set is extended to September 2, 2022.

DATED this ____ day of August, 2022

THE HONORABLE MARSHA J. PECHMAN
UNITED STATES DISTRICT JUDGE

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1 **CERTIFICATE OF SERVICE**

2 I hereby certify that on August 19, 2022, I had the foregoing electronically filed with the
3 Clerk of the Court using the CM/ECF system, which will send notification of such filing to those
4 attorneys of record registered on the CM/ECF system. All other parties (if any) shall be served in
5 accordance with the Federal Rules of Civil Procedure.

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8 */s/ Lauren C. Bingham*
9 LAUREN C. BINGHAM
Senior Litigation Counsel

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11 Attorney for Defendants-Respondents

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